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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DEANGELO LAMONT MITCHELL,

Plaintiff,

vs.

HIGH DESERT STATE PRISON, et al.,

Defendants.

Case No. 2:22-CV-00236-GMN-DJA

**STIPULATION AND PROPOSED
ORDER TO EXTEND DISCOVERY
(FIFTH REQUEST)**

The parties hereto through their undersigned counsel hereby respectfully submit the following Stipulation to Extend Discovery Deadlines. This is the fifth request to extend discovery in this matter.

I. DISCOVERY COMPLETED

Counsel met telephonically for an FRCP 26(f) conference on August 23, 2022.

Plaintiff served disclosures pursuant to FRCP 26, as follows:

1. Initial Disclosures: September 5, 2022

Defendant served disclosures pursuant to FRCP 26, as follows:

1. Initial Disclosures: August 26, 2022
2. First Supplement: October 19, 2022
3. Second Supplement: November 21, 2022
4. Third Supplement: December 2, 2022
5. Fourth Supplement: March 2023
6. Fifth Supplement: March 22, 2023
7. Sixth Supplement: April 25, 2023
8. Seventh Supplement: June 1, 2023
9. Eighth Supplement: June 21, 2023
10. Ninth Supplement: July 14, 2023
11. Tenth Supplement: August 22, 2023
12. Eleventh Supplement: September 11, 2023

Plaintiff served Interrogatories, Requests for Admission, and Requests for Production to Defendants Gutierrez, Daniels, Bean, Minev, Peret, and Oliver on February 6, 2023. Defendants served their responses on March 9, 2023.

II. DISCOVERY THAT REMAINS TO BE COMPLETED

1. Written Discovery
2. Depositions of Parties

1 3. Depositions of NDOC's FRCP 30(b)(6) witnesses

2 4. Depositions of percipient witnesses

3 5. Deposition of treating providers

4 6. Expert depositions

5 7. Subpoenas to third parties for records and information

6 **III. REASONS THE REMAINING DISCOVERY WAS NOT COMPLETED WITHIN**
7 **THE TIME LIMITS SET BY THE DISCOVERY PLAN**
8

9 This is a complex 42 U.S.C. § 1983 case where Plaintiff is alleging deliberate
10 indifference to his medical needs. Plaintiff has a complex and extensive medical history and is
11 still undergoing medical evaluation and surgeries. Upon information and belief, Plaintiff's most
12 recent surgery took place on September 9, 2024. It is unknown what additional medical treatment
13 Plaintiff will require. Most recently, Plaintiff was scheduled for a pre-operative consultation with
14 an outside urologist on November 7, 2024, but was not transported to that appointment.
15

16 This matter was under a temporary restraining order and preliminary injunction.¹ It
17 moved to the litigation track on September 13, 2023, with the parties ordered to attend a
18 settlement conference in November 2023.² To save time and money, the parties delayed
19 discovery until the conference. After being rescheduled several times, the settlement conference
20 took place on February 14, 2024, but the case did not resolve. While waiting to attend the
21 settlement conference, the parties did not participate in meaningful discovery after September
22 2023.
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26 ¹ ECF No. 76

27 ² ECF No. 98

1 On, October 18, 2024, the law firm of Sgro & Roger filed a substitution of attorney on
2 behalf of Plaintiff.³ On December 6, 2024, a Change of Deputy Attorney General was filed on
3 behalf of Defendants.⁴ Both counsels are in the early stages of reviewing records and discovery.

4 Discovery will require gathering and reviewing numerous institutional records as well as
5 discovery regarding the Defendants' personal participation in the events alleged to have violated
6 Plaintiff's constitutional rights, and third-party discovery directed at the Nevada Department of
7 Corrections, the Inspector General's office, and percipient witnesses.

8 In addition, as Plaintiff's treatment continues, parties will have to obtain and review Plaintiff's
9 medical records, take the depositions of Plaintiff's treating physicians, and ascertain the scope
10 of the type and necessity of Plaintiff's future medical care. In addition to discovery concerning
11 this treatment, there may be additional pre-trial motion practice on issues related to Plaintiff's
12 treatment.
13

14 The parties will need sufficient time to obtain, review, and analyze these records, and to
15 take the depositions of several witnesses, including plaintiff, defendants, and ultimately, the
16 parties' expert witnesses.
17

18 The parties respectfully submit that this revised discovery plan is an efficient and realistic
19 schedule for completing the significant amount of discovery contemplated in this case, that will
20 allow for discovery to begin as of the date that the parties are proposing for the responsive
21 pleading to be filed.
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26 ³ ECF No. 145

27 ⁴ ECF No. 150

IV. PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY

The parties jointly propose the following discovery plan, which allows approximately 120 days to complete discovery:

| | <u>Current Date</u> | <u>Proposed Date</u> |
|---|----------------------------|-----------------------------|
| Discovery Cut-Off: | February 13, 2025 | June 13, 2025 |
| Final date to file motions to amend pleadings or add parties (without a further court order): | N/A | N/A |
| FRCP 26(a)(2) Expert Disclosures: | | |
| i. Initial disclosure: | passed | passed |
| ii. Rebuttal disclosure: | passed | passed |
| Dispositive Motions: | March 17, 2025 | July 15, 2025 |
| Joint Pre-Trial Order: | April 15, 2025 | August 13, 2025 |

In the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until thirty days after the decision on the dispositive motions or by further order of the court. The parties anticipate that, pending any unforeseen circumstances outside the parties' control, the above extension of the current discovery deadlines should allow the parties to conduct and complete the outstanding discovery.

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1 This fifth request for an extension of the current discovery deadlines is made by the
2 parties in good faith and not for the purpose of delay.

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4 DATED: January 15, 2025.

DATED: January 15, 2025.

5 **SGRO & ROGER**

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

6 By: /s/ Elaine Odeh

By: /s/ Jamie S. Hendrickson

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13 *Attorneys for Plaintiff DeAngelo Lamont Mitchell*

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18 **ORDER**

19 **IT IS SO ORDERED.**

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21 
22 DANIEL J. ALBREGTS
23 UNITED STATES MAGISTRATE JUDGE

24 DATED: January 16, 2025